

REMARKS

In her office action, the Examiner objected to the drawings for various matters. Applicant has amended the drawings as seen on the enclosed Replacement Sheets (2). The amendments made by applicant included the deletion of lead lines, the changing of reference numerals, the addition of reference numerals and the addition of lead lines. The amendments can be seen in the enclosed "Amended Marked-up Drawings" sheets (2), which highlight changes in red. Applicant believes that none of the amendments added new matter. Applicant therefore respectfully requests that these corrections be entered.

In her office action, the Examiner rejected claims 1-10 under 35 U.S.C. § 112, second paragraph for having insufficient antecedent basis for certain limitations.. Applicant has amended the claims to alleviate this rejection. Applicant does not believe that the amendments to alleviate this rejection impact the scope of the claims and should not be read as a relinquishment of subject matter claimed. With the amendments, applicant respectfully requests that the § 112 rejections be lifted.

One aspect of the applicant's invention that is unique, as now reflected in the claims, is that the liner can be both (1) impermeable to a liquid that is desirably maintained in the container and (2) semipermeable to gas and thus capable of allowing gas to flow through it at a selected pressure level. The examiner has rejected claims 1-6 under 25 U.S.C. § 103(a) as being patentable over U.S. Pat. No. 5,598,940 to Finkelstein et al ("Finkelstein") in view of U.S. Pat. No. 2,162,455 to Hoge ("Hoge") [claims 12 and 14-15 were also rejected but have been cancelled for unrelated reasons]. Because these two references cannot be combined to teach applicant's invention, applicant respectfully traverses that rejection.

Hoge does not teach, *inter alia*, the use of a liner impermeable to a liquid. To the contrary, the slit 14 that constitutes the vent opening of Hoge would allow liquid to leak through the liner, which is a very undesirable. On the other hand, the liner 26 of Finkelstein does not teach, *inter alia*, a liner capable of allowing gas to flow through it at a selected pressure level. To the contrary, the tri-layer liner 26 taught by Finkelstein is not permeable to gas at a selected pressure level. The liner of Finkelstein thus creates a seal that allows for excessive pressure to arise in the container. Each of these prior art references thus teaches a liner with a substantial flaw. Further, the references cannot be combined to form a liner without such a flaw. One, there is no motivation to combine these references. Two, placing the slit 14 of Hoge on the liner 26 of Finkelstein would result in a liner that is still permeable to liquids.

Because there is no motivation to combine Finkelstein and Hoge to obtain the features of Applicant's invention and because, even if improperly combined, Finkelstein and Hoge fail to teach all features of applicant's claims, Applicant respectfully requests that the 103(a) rejection be withdrawn.

For similar reasons, Examiners rejection of claims 7-10 as being unpatentable over Hoge and Finkelstein and in further view of U.S. Pat. No. 5,730,306 to Costa et al. ("Costa") is also respectfully traversed by applicant [claim 13 was also rejected but has been cancelled for an unrelated reason]. Costa teaches a bottom or first layer 13 that is substantially fluid impermeable. *Costa*, Col. 5, lines 19-40. The "apertures [12] do *not* extend through the bottom layer 13." *Costa*, Col. 7, lines 5-6 (emphasis added). In stark contrast, the applicant's invention, at claim 1, includes "at least one perforation extending vertically through said first, intermediate and third layers." Further, Costa cannot be combined with Hoge to form a 103 rejection. Combining the slit 14 of Hoge with the fluid

impermeable first layer 13 of Costa would result in a liner that is permeable to liquids. This combination is not proper because Costa teaches away from a fluid permeable liner. Further, even if combined, the liner of Costa with Hoge's slit 14 would not be impermeable to liquid, and thus would not render obvious applicant's claims.

Because there is no motivation to combine Costa and Hoge to obtain the features of Applicant's invention and because, even if improperly combined, Costa and Hoge fail to teach all features of applicant's claims, Applicant respectfully requests that the 103(a) rejection be withdrawn.

Applicant has cancelled three (3) claims and not added additional claims. Applicant therefore believes that no additional fee is necessary. However, should a fee be required, the Commissioner is requested and authorized to charge the unpaid amount to Deposit Account 23-0920.

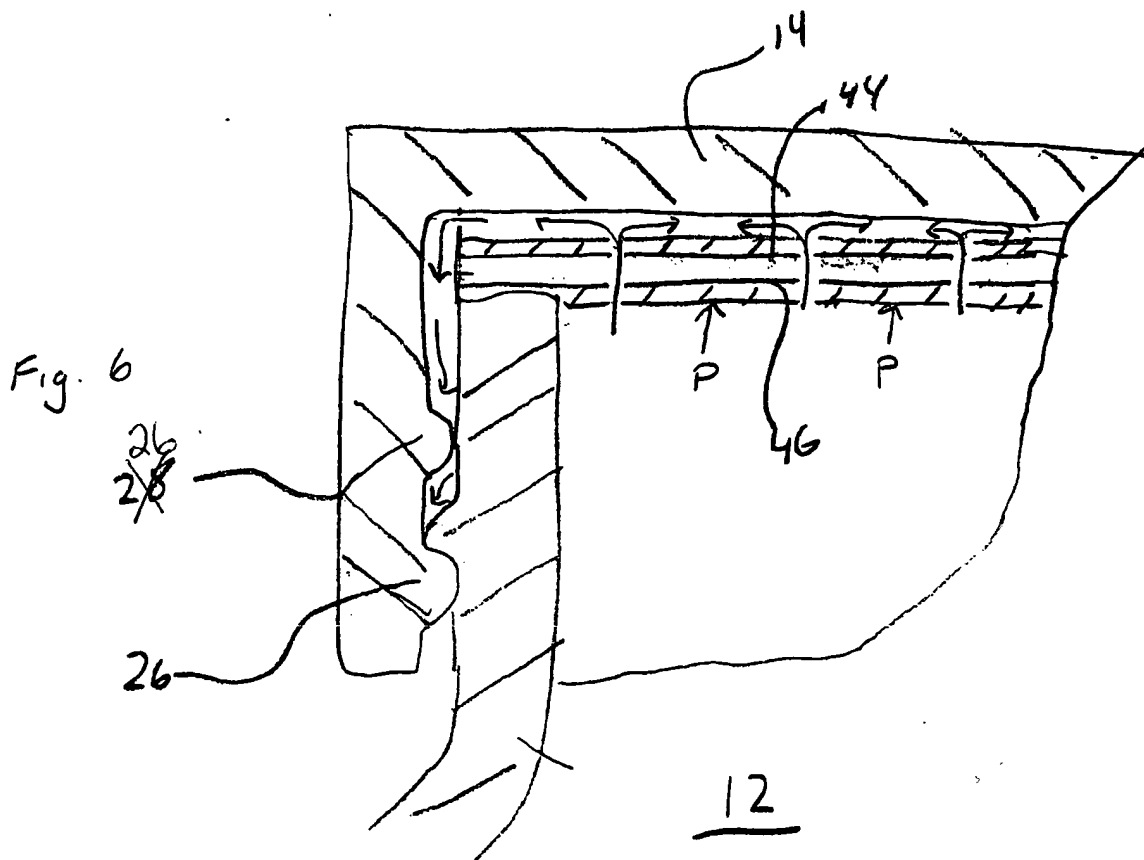
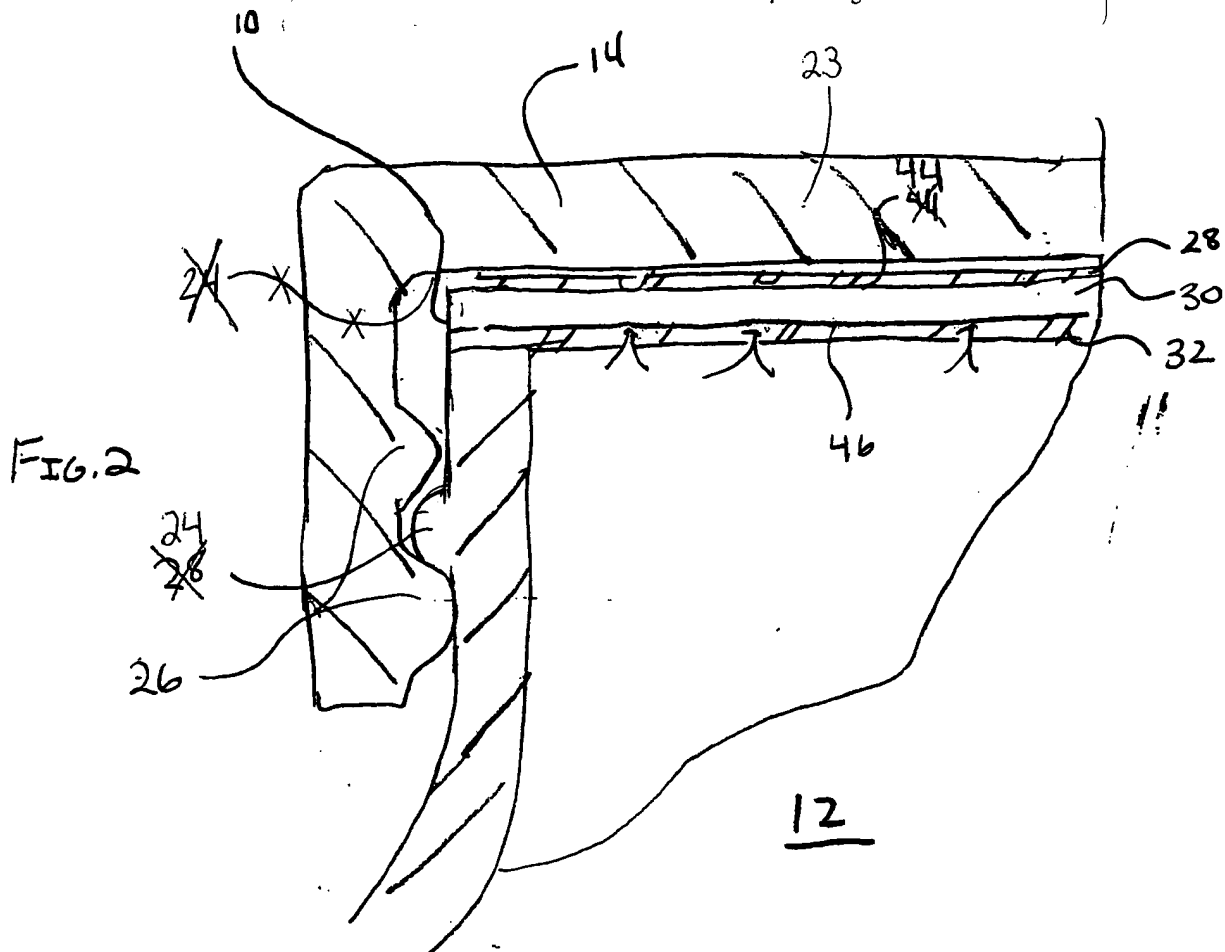
Applicant hereby requests reconsideration and reexamination of the subject application. With the above remarks, this application is considered ready for allowance and Applicant earnestly solicits an early notice of the same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, she is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian Sodikoff", written over a horizontal line.

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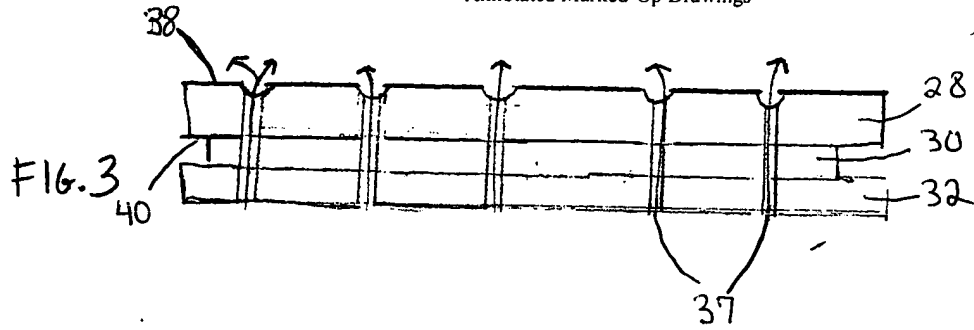


FIG. 5

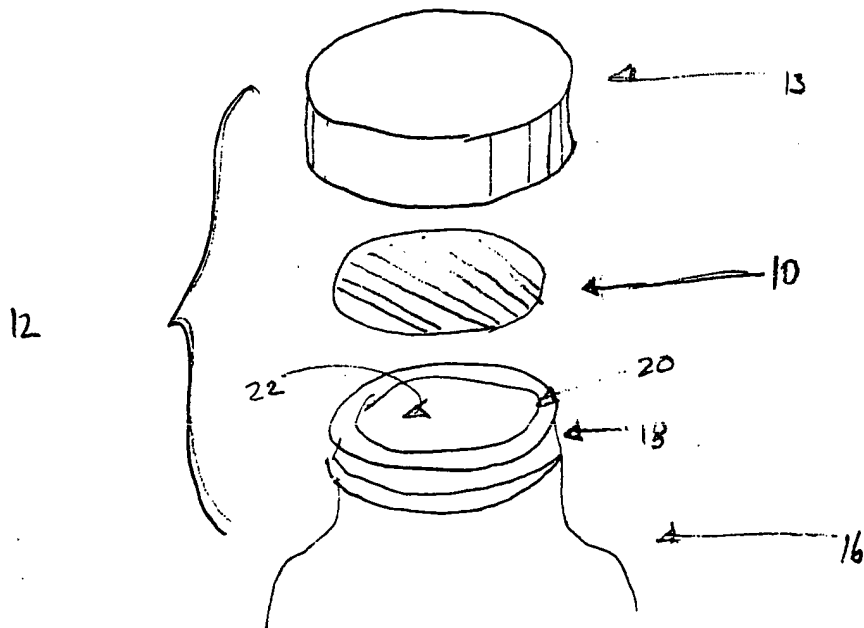
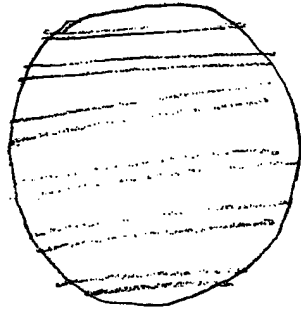


FIG. 1